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on July 18, 2007

PATENT
Docket No.: 019904-002610US

TOWNSEND and TOWNSEND and CREW LLP

By: 
Jo Ann Honcik Dallara

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph K. Belanoff

Application No.: 10/772,919

Filed: February 4, 2004

For: ANTIGLUCOCORTICOIDS FOR
THE TREATMENT OF POSTPARTUM
PSYCHOSIS

Customer No. 20350

Confirmation No.: 5231

Examiner: Graffeo, Michel

Art Unit: 1614

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the outstanding Office Action mailed on July 2, 2007. Applicant believes that no fee is required for submission of this response; however, if a fee is required, the Commissioner is authorized to deduct such a fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.


Applicant elects Group I, claims 1-11. As a species election, applicant elects mifepristone which is set forth in claim 5.

The elected species reads on claims 1-5 and 9-11.

Applicant traverses the Examiner's suggestion that the different glucocorticoid receptor antagonists set forth in claims 6-8 represent different inventions. The invention does not arise from independent use of different compounds but in the discovery of a mechanism of action—a mechanism of action that can be achieved by a disparate universe of compounds. To force election by structure would be to deny the applicant protection to his true invention. In deed, Dr. Belanoff has been issued seven U.S. patents with claims directed to second medical uses for glucocorticoid receptor antagonists [GRAs]. No other U.S. examiner has seen fit to divide the pending claims based on physical structure as discussed on pages 4-5 of the pending Office Action.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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